

A VIDEO RECORDING OF THE MEETING IN ITS ENTIRETY IS AVAILABLE THROUGH VERMONTCAM.ORG. THE WRITTEN MINUTES ARE A SYNOPSIS OF DISCUSSION AT THE MEETING. MOTIONS ARE AS STATED BY THE MOTION MAKER. MINUTES SUBJECT TO CORRECTION BY THE SHELBURNE PLANNING COMMISSION. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE COMMISSION.

**TOWN OF SHELBURNE
PLANNING COMMISSION
MINUTES OF MEETING
March 9, 2017**

MEMBERS PRESENT: Jaime Heins (Chairman); Mark Brooks, Jason Grignon, Dick Elkins, Ann Hogan, Don Posner, Graham Byers. (Kate Lalley was absent.)
STAFF PRESENT: Dean Pierce, Planning Director.
OTHERS PRESENT: Jamie Stannis, Phil Carlson.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Disclosure of Potential Conflicts of Interest
4. Approval of Minutes (2/23/17)
5. Commissioner Questions/Comments
6. Open to the Public
7. Zoning Issues
8. Comprehensive Plan Issues
9. Legislative Update
10. Other Business/Correspondence
11. Adjournment

1. CALL TO ORDER

Chairman Jaime Heins called the meeting to order at 7 PM.

2. APPROVAL OF AGENDA

MOTION by Mark Brooks, **SECOND** by Ann Hogan, to approve the agenda as presented. **VOTING: unanimous (5-0)**[Don Poster not present for vote]; motion carried.

3. DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

None.

4. APPROVAL OF MINUTES

February 23, 2017

MOTION by Dick Elkins, **SECOND** by Jason Grignon, to approve the minutes of February 9, 2017 with the following correction(s)/clarification(s):

Page 2, Item #7, Zoning Issues, Structures in Lakeshore Setback – delete sentence reading: “Dick Elkins will contact he DRB for further information.”

VOTING: 4 ayes, one abstention (Mark Brooks)[Don Posner not present for vote]; motion carried.

5. COMMISSIONER QUESTIONS/COMMENTS

- Mark Brooks mentioned the Housing Subcommittee did not receive the feedback from the Planning Commission on the brochure. Dean Pierce will forward the minutes from the Planning Commission meeting with the feedback.
- Jaime Heins noted Montpelier received a \$50,000 grant (total budget is \$150,000 with \$50,000 grant, \$50,000 match, and \$50,000 fundraising) for public art master planning from the National Endowment of the Arts.
- Jaime Heins mentioned the comments by Jerry Storey on the tension with Act 174 and siting solar projects, preserving ag soils, and local control. The Planning Commission will further discuss the topic.

6. OPEN TO PUBLIC

None.

7. ZONING ISSUES

Expand Structures in the Lakeshore Setback

Dean Pierce reviewed added language to Section 2110.82 (lakeside wall) saying more than one wall within 100' of the 102' elevation contour shall be considered a lakeside wall. Following discussion the Planning Commission agreed not to add language specifying the degree of parallel the wall is to the lakeshore, but rather maintain the language saying "generally parallel". The Planning Commission reviewed language on lateral relocation of a structure in the lakeshore setback that addresses lateral movement and the 102' contour regardless of shape of the structure (straight, irregular, curved). Dean Pierce reviewed graphics illustrating the text relative to a structure in the 100' setback from the 102' contour. The Planning Commission suggested showing the 100' setback on the graphics for reference.

Staff will incorporate the changes to Section 2110 as discussed.

Design Review Applied to Mobile Home Parks

Dean Pierce reported Shelburne Historic Preservation & Design Review Committee (SHP&DRC) discussed Shelburnewood Mobile Home Park being in the Design Review Overlay. There is redundancy for residents of the park. Residents of the mobile home park have expressed concern about redundancy and added cost to park residents. Suggestions to address the matter include incorporating the design review guidelines into the Co-op documents or making reference to the design guidelines and/or key sections of design review that may be applicable.

Jamie Stannis, President of the Shelburnewood Mobile Home Co-op, said incorporating some of the guideline language may be a possibility. The Co-op will discuss the suggestion. The mobile home park is in the town's Design Review Overlay, but would like to be excluded. The town's argument is the park is part of the village and should be included in design review like the other homes in the village. Mr. Stannis said there have been a few mobile homes put into the park prior to Co-op overview that are on piers and this was approved by SHP&DRC though there was no provision for skirting to hide the piers and enclose the space between the ground and the home which the Co-op would have required.

Phil Carlson, Shelburnewood Mobile Home Park, said the lack of skirting on the mobile homes set on piers shows there is interference and expense put on residents by the town and yet the job is not complete. Mr. Carlson said to get a permit from the town he would have to take a day off from work without pay in order to attend a SHP&DRC meeting (held in the morning) plus pay a fee for the town permit. The Vermont Constitution says justice is not based on ability to pay. Jamie Stannis added there are other fees in addition to the \$30 design review fee which is burdensome for people seeking an affordable unit.

The Planning Commission discussed the Design Review Overlay. Jaime Heins mentioned there has been suggestion that waivers be used to address the financial portions of the requirements. Mark Brooks questioned if there would be design review if the village did not have historic buildings. Dean Pierce said per statute the town can regulate based on historic preservation, design, or both. Shelburne chose to do both. Certified Local Government is a status held by Shelburne that gives the town a say in changes to historic structures. Dick Elkins suggested applying an exclusion for the park itself, but not the back parcel owned by the Co-op and currently not developed.

Ann Hogan pointed out:

- The purpose of design review is to preserve the historic and architectural significance of the village and areas on Falls Road.
- The mobile home park is not an historic property and was put into the overlay in 2009 due to planned development of the Dwyer property and the mobile home property which did not happen.
- The Dwyer property is now part of Harrington Village and the mobile home is now a co-op owned by the residents.
- The mobile home park is not in the village. Some have said the park is of the village.
- The park does not abut the village like other property such as Shelburne Shopping Park yet the mobile home park is being treated differently.
- Aesthetically the mobile home park is barely visible and neither adds nor detracts from the village. The park is not part of any plan for viewshed or viewscape.
- Shelburnewood Mobile Home Park Co-op is incorporated with bylaw rules and regulations and an application process for residents. The rules and regulations cover changes to sites in the park and the visual design standards are more stringent than those of SHP&DRC.
- Administratively there is much time spent by town staff and SHP&DRC on design review applications for the park. It is a waste of time and money to have an extra layer on a neighborhood that takes care of its own and cares about the surrounding neighbors, and certainly no town committee wants any kind of condescension that this particular neighborhood needs another layer of oversight.

MOTION by Ann Hogan, SECOND by Mark Brooks, that the Shelburnewood Mobile Home Park (a/k/a Shelburnewood Mobile Home Cooperative, Inc.) be removed from the Village Design Review Overlay District, and therefore no new language or amendment to Article XV is needed.

DISCUSSION: The following comments were made:

- Don Posner questioned if the Planning Commission has the purview to remove the park from the overlay district or should make a recommendation to take this action.
- Dick Elkins suggested allowing discussion to continue before making a decision, noting Mr. Pomerleau intended to sell the back parcel when he purchased the mobile home park, but that is no longer the situation.
- Ann Hogan pointed out SHP&DRC voted unanimously against removal of the park from the overlay district.
- Jamie Stannis said there are no interested buyers for the back parcel at this time. The Co-op has considered expanding the mobile home park if feasible. The Co-op must satisfy Mr. Pomerleau's investment at some point.
- Dean Pierce recalled it was a big step for the community to establish the boundaries of the Design Review Overlay District as the first iteration. The development proposal in 2009 looked at the two 20 acre parcels (Dwyer and mobile home park) side-by-side and the developer was willing to have design review so the town map was changed to show the overlay district.
- Mark Brooks suggested there be a provision saying if the back parcel is sold by the Co-op then the parcel is subject to design review.
- Dean Pierce advised if a change is made the change should be to the text which addresses the principle and allows the mobile home park to expand. A change to the map would require further amendment if the mobile home park expands.

FRIENDLY AMENDMENT to direct staff to develop a proposal that reflects the adjusted boundary line (i.e. change the map) to show the mobile home park not as part of the Design Review Overlay District.

DISCUSSION ON AMENDMENT: Jason Grignon said he wants what is most expedient to remove the administrative burden.

VOTING (on motion with friendly amendment): 4 ayes, 2 nays (Jaime Heins, Dick Elkins); motion carried.

8. COMPREHENSIVE PLAN ISSUES

The Planning Commission commented as follows on the town comprehensive plan:

- Shelburne Historical Society should draft the history portion of the plan.
- The Planning Commission with input from the community (residents and businesses) should draft the goals and vision for the town using "shall" and "should".
- The town plan should guide decision making by the town, but the plan now is so lengthy it is difficult to use.
- There could be policy statements in the plan on affordable housing, density, where development might occur, energy, conservation.

- The format of the town plans for Ferrisburg and Hinesburg are nice and easy to follow, outlining past, present, future. The plans include an explanation of why there is a town plan.
- With Shelburne's town plan information should be culled and rearranged. New language should be incorporated where needed. Historic data should be beefed up. Visuals are good. The plan should be easy to read and shorter in length than it is now.

Staff will compare area town plans to Shelburne's town plan to identify gaps with elements. Dean Pierce mentioned doing surveys on the town plan.

9. LEGISLATIVE UPDATE

H.50 – Telecommunications Siting

Jaime Heins reported the telecommunications facility siting bill is still under consideration. Shelburne's state representatives received input from the town on maintaining local control. It appears the bill will pass this session with a three year extension of the Section 248A pre-emption.

Tax Increment Financing (TIF)

Dean Pierce reported there are a number of TIF bills before the legislature, one specific to Shelburne. With a TIF district an area is created where investment will be made and incremental taxes will be used to pay off the investment. The number of TIFs have increased. The current bill will allow two additional TIFs per region. A TIF district in Shelburne would likely be the Form Based Zoning Overlay or the Mixed Use District. Storm water may be the public investment made in the TIF district.

Jaime Heins suggested a letter be drafted to reflect the Planning Commission's support of including Shelburne in the TIF.

MOTION by Don Posner, SECOND by Jason Grignon, to authorize the Chair of the Shelburne Planning Commission on behalf of the Planning Commission to sign a letter drafted by staff to encourage the legislators to include Shelburne in any TIF District discussions. VOTING: unanimous (6-0); motion carried.

10. OTHER BUSINESS/CORRESPONDENCE

None.

11. ADJOURNMENT

MOTION by Mark Brooks, SECOND by Don Posner, to adjourn the meeting. VOTING: unanimous (6-0); motion carried.

The meeting was adjourned at 9 PM.